

Message Text

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SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION
101(B)(I)(B)-22CFR 42.1, NOTE 2.3

REF: STATE 188437

FOLLOWING INFORMATION FOR ANALYSIS AND USE BY DEPARTMENT
IN PREPARING FURTHER RECOMMENDATION TO HOUSE JUDICIARY
SUBCOMMITTEE:

1. ESTIMATE OF NUMBER OF STEPCHILD/STEPPARENT RELATIONSHIPS THAT HAVE BEEN ADJUDICATED AT POST DURING THE LAST YEAR UNDER SECTION 101(B)(I)(B) INA DEPENDENT UPON ESTABLISHMENT OF RELATIONSHIP OF ALLEGED NATURAL FATHER TO ILLEGITIMATE CHILD - 22 CFR 42.1, NOTE 2.3. NONE.

2. NATURE AND TYPE OF DOCUMENTARY EVIDENCE ACCEPTED IN THESE CASES. TO WHAT EXTENT DO CONSULAR OFFICERS REQUIRE LOCAL JUDICIAL OR ADMINISTRATIVE ADJUDICATION OF PATERNAL RELATIONSHIP IN THESE CASES? NOT APPLICABLE.

LSUJ INSTANCES OF FRAUD ENCOUNTERED IN ADJUDICATION OF THESE CASES IN RELATION TO NUMBER OF CASES ADJUDICATED. NOT APPLICABLE.

4. BRIEF SUMMARY OF PROVISIONS OF LOCAL LAW UNDER WHICH A PATERNAL RELATIONSHIP TO AN ILLEGITIMATE CHILD CAN BE ESTABLISHED, INCLUDING JUDICIAL AND/OR ADMINISTRATIVE PROCESS. EXCLUDE ANY SUMMARY OF LEGITIMATION PROCEDURES WHICH WOULD BRING THE RELATIONSHIP WITHIN THE CONTEXT OF UNCLASSIFIED

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SECTION 101(B)(I)(C).

ACCORDING TO SWISS LAW, FATHER OF ILLEGITIMATE CHILD MUST HAVE BEEN SINGLE OR UNMARRIED AT TIME OF CHILD'S BIRTH. IN ORDER TO LEGITIMIZE CHILD'S BIRTH, FATHER MUST PRESENT FOLLOWING TO CIVIL REGISTRARS OFFICE: A) PASSPORT; B) CERTIFICATE OF BIRTH; C) AFFIDAVIT CONCERNING MARITAL STATUS AT TIME OF CHILD'S BIRTH AND D) RESIDENCE PERMIT IF RESIDING IN SWITZERLAND. SWISS FATHER MUST HAVE "ZIVILSTANDAUSWEIS" (CERTIFICATE OF MARITAL STATUS) FROM COMMUNAL OR CITY OFFICIALS OF PLACE OF RESIDENCE AND RESIDENCE PERMIT.

5. DEPT WOULD APPRECIATE CONSULAR OFFICERS' SUGGESTIONS ON PROCEDURES BEST CALCULATED TO ESTABLISH PATERNITY UNDER LOCAL LAW WHICH WOULD MINIMIZE FRAUD WITHOUT IMPOSING ONEROUS BURDEN ON PARENTS.

FOLLOWING DOCUMENTS BEST CALCULATED TO ESTABLISH PATERNITY UNDER SWISS LAW: A) CERTIFICATE OF MARITAL STATUS OF FATHER; B) CERTIFICATE OF PATERNITY AND C) CHILD'S AMENDED BIRTH CERTIFICATE SHOWING NAME OF FATHER.

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